



# DEPARTMENT OF PUBLIC ADVOCACY

100 FAIR OAKS LANE, SUITE 302 • FRANKFORT, KENTUCKY 40601 • 502-564-8006 • FAX: 502-564-7890

---

**FOR IMMEDIATE RELEASE:** Contact: Jessie Luscher @ 502-564-8006

## Commonsense reforms urged to reduce state and county correctional costs

(Frankfort, Kentucky October 3, 2014) Commonsense criminal justice reform was called for at today's Interim Joint Judiciary Committee meeting. The Department of Public Advocacy, Kentucky's statewide public defender program, presented 10 commonsense ways to safely reduce waste in Kentucky's criminal justice system. They are set out in detail [here](#).

**Public Advocate Ed Monahan** said, "Through the foresight of Kentucky leaders, HB 463 has brought significant savings while not adversely affecting public safety. This is what taxpayers want. However, more improvements are necessary to continue to safely reduce waste in the Kentucky criminal justice system and to achieve fully what taxpayers want. While the Kentucky crime rate declines, the Kentucky corrections population continues to be above projections at a significant and unnecessary cost to counties and the state. There are sound policy measures to address the waste." The *10 Commonsense Ideas* would produce substantial savings by

1. Reclassifying minor misdemeanors to violations
2. Creating "gross misdemeanor" classification for low level felonies
3. Promoting employment/reducing recidivism by creating Class D felony expungement
4. Reducing days in the county jail by creating "clear and convincing" standard for pretrial release decisions
5. Modifying violent offender and PFO statutes
6. Presuming parole for eligible low-risk offenders
7. Providing alternative sentencing plans for flagrant non-support instead of imprisonment
8. Creating alternatives to incarceration
9. Increase the felony theft limit from \$500 to \$2,000
10. Reducing waste by limiting capital prosecutions.

Others call for reduction of correctional costs in our state. The July **2014 KY Chamber of Commerce Leaky Bucket Report** update recommends continued full implementation of the 2011 sentencing-reform legislation to control the growth in corrections costs and careful consideration of legislative initiatives that will result in higher costs. "The General Assembly should also continue reviewing the Kentucky Penal Code with the goal of creating more alternatives to incarceration for low-level, non-violent crimes and focus on jail time for more serious offenses." [Click here](#) for the Chamber's 2014 Report.

Faith leaders want commonsense reform. In his testimony before the Judiciary Committee, Lexington's **Wesley United Methodist Church Pastor Anthony Everett**, asked the committee to help the common person. "We have members of our community who have one low level felony conviction from years ago that still impairs their ability to obtain work. A Class D felony expungement law would allow our community members to have a better chance to get a job and support their families. Our faith calls all of us to help people on their journey of redemption and restoration. Pass this law in 2015." Nationwide there is a growing bipartisan awareness of the long-term negative impact of collateral consequences and states are taking steps to combat the ill effects of these sanctions. From 2010 through 2014, at least 18 states expanded or established expungement policies.

The Department of Public Advocacy is Kentucky's statewide public defender program providing full-time representation to indigent defendants in all 120 counties in over 156,000 cases a year.

States include: Arkansas, California, Colorado, Delaware, Georgia, Louisiana, Indiana, Maryland, Mississippi, North Carolina, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, and Utah.

**Ernie Lewis** presented to the Judiciary Committee the position of the **Kentucky Association of Criminal Defense Lawyers** on criminal justice issues before the 2015 General Assembly. He said, "HB 463 has stopped the dramatic increase in the population of our corrections institutions. However, it has not resulted in a decline in the number of citizens in our state's prisons, at a cost of \$1/2 billion per year. Only 14 years, ago, we were spending \$273 million on corrections. The crime rate has not increased since then, but the costs have almost doubled. Returning to the corrections costs of 2000 is a worthy goal, and would be possible if we enact the ten commonsense steps recommended by the Public Advocate."

"We encourage policymakers to ride the momentum created by the bipartisan support for House Bill 463 and implement additional common-sense reforms such as reclassifying minor misdemeanors to violations and encouraging parole board members to parole more low-risk offenders that would otherwise cost taxpayers \$46 a day while they sit in jail or prison," said **Jim Waters, President of the Bluegrass Institute for Public Policy Solutions**, Kentucky's free-market think tank. "Such reforms represent good stewardship of taxpayers' dollars and will result in sound, common-sense criminal-justice policy."

Austin, Texas' **Marc Levin, Director, Center for Effective Justice, Texas Public Policy Foundation Policy Director, Right on Crime** commented, "We commend Kentucky policymakers for reviewing the most relevant data and research that can help identify solutions for further enhancing public safety, empowering victims of crime, reforming offenders, all while not being too tough on taxpayers. In recent years, Kentucky has enacted meaningful reforms in its juvenile and adult justice system and is seeing a continued drop in crime. We see many opportunities for Kentucky policymakers to learn from successful reforms in other states like Georgia, Texas, and Mississippi in the last several years and take additional steps to right-size the criminal justice system and improve outcomes for all Kentucky citizens."

**Marc Mauer, Executive Director, The Sentencing Project** said, "In recent years we've seen encouraging evidence that state prison populations can be substantially reduced without compromising public safety. New York, New Jersey, and California have all reduced their prison populations by 25% over the past decade, and have achieved reductions in crime similar to national averages. By reducing unnecessary incarceration we can save both taxpayer resources and avoid the harmful consequences of a prison term for an individual's life prospects. The DPA "Commonsense" reform package offers a sensible roadmap for recalibrating Kentucky's criminal justice system. Enacting the policies proposed in this package would reduce wasteful corrections spending and therefore enable the justice system to focus its finite resources on the most challenging public safety concerns."

The variety of voices calling for more restructuring in Kentucky mirrors what is occurring in other states. For instance, in September 2014, a bipartisan group launched the **Texas Smart-on-Crime Coalition** for criminal justice reform. It includes the Texas Criminal Justice Coalition, Texas Public Policy Foundation, Texas Association of Business, and the central Texas branch of the non-profit Goodwill Industries. The announcement included Terri Burke, the head of the Texas ACLU, and Edna Staudt, a Republican justice of the peace from law-and-order Williamson County.

###

The Department of Public Advocacy is Kentucky's statewide public defender program providing full-time representation to indigent defendants in all 120 counties in over 156,000 cases a year.